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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-00719-MHP
)	
Plaintiff,)	
)	
v.)	PROPOSED ORDER EXCLUDING
)	TIME FROM NOVEMBER 16, 2009 TO
GREGORY ALEXANDER,)	JANUARY 25, 2010
)	
Defendant.)	

The defendant, GREGORY ALEXANDER, represented by Elizabeth Falk, Assistant Federal Public Defender, and the government, represented by Richard C. Cheng, Assistant United States Attorney, appeared before the Court on Monday, November 16, 2009 for a status hearing. The Defense represented that they are planning to file at least two sets of non-dispositive motions regarding the legality of the charge of Aggravated Identity Theft and the potential suppression of evidence seized from the residence of the defendant for lack of compliance with computer search protocols pursuant to United States v. Comprehensive Drug Testing, 579 F.3d 989 (9th Cir. 2009) . Defense counsel requested a continuance of the matter for adequate defense preparation and continuity of counsel, and for hearing of the motions to be filed

1 no later than January 25, 2009..

2 The matter was continued to March 10, 2010 at 2:30 p.m. for hearing on motion and for
3 trial setting. Counsel for the defendant requested that time be excluded under the Speedy Trial
4 Act between November 16, 2009 and January 25, 2010 to allow adequate time for defense
5 preparation and filing of motions. The Government stated it had no objection to excluding time.

6 Based upon the representation of counsel and for good cause shown, the Court finds that
7 failing to exclude the time between November 16, 2009 and January 25, 2010 would
8 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable
9 time necessary for effective preparation, taking into account the exercise of due diligence. 18
10 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding
11 the time between November 16, 2009 and January 25, 2010 from computation under the Speedy
12 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,
13 IT IS HEREBY ORDERED that the time between November 16, 2009 and January 25, 2010
14 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and
15 (B)(iv).

16
17
18 DATED: 11/17/09

